

## **REMARKS**

### **I. Restriction Requirement and Response**

In the Communication, the Examiner indicates that the claims are directed to five groups of separate and distinct inventions, as follows:

- Group I: Claims 1, 2, and 6-8, drawn to an isolated nucleic acid molecule, a recombinant vector comprising said nucleic acid molecule, a host cell comprising said vector, and a method of using said isolated nucleic acid molecule to produce a polypeptide;
- Group II: Claims 3, 9, 38-43, and 63, drawn to an isolated polypeptide, a vaccine comprising said polypeptide, and a method of treatment by administering said polypeptide;
- Group III: Claims 4, 5, and 34-37, drawn to an antibody, a hybridoma producing said antibody, and a kit comprising said antibody;
- Group IV: Claim 13, drawn to an isolated RGL receptor protein; and
- Group V: Claims 53-57, drawn to a method of treating a patient with a metastatic disorder by administering a nucleic acid.

In response, Applicants hereby elect to prosecute the claims of the Group II invention (claims 3, 9, 38-43, and 63), without traverse. Accordingly, claims 1, 2, 4-8, 13, 34-37, and 53-57, which are directed to the Group I, Group III, Group IV, and Group V inventions, have been cancelled herein without prejudice and without disclaimer. Applicants reserve the right to file claims to the non-elected inventions in one or more future applications retaining the priority date of the present application and the earlier cited priority applications.

### **II. Additional SEQ ID NO Restriction Requirement and Response**

In the Communication, the Examiner indicates that Applicants must elect a single SEQ ID NO for prosecution within the elected invention. In response, Applicants hereby elect the polypeptide of SEQ ID NO:4, which is encoded by the nucleic acid molecule of SEQ ID NO:3,

without traverse, for prosecution within the elected invention. Accordingly, claims 3 and 39 have been amended without prejudice and without disclaimer to remove references to the polypeptide of SEQ ID NO:2, encoded by the nucleic acid molecule of SEQ ID NO:1. Applicants reserve the right to file claims to the non-elected SEQ ID NOs in one or more future applications retaining the priority date of the present application and the earlier cited priority applications.

### **III. Species Requirement for Group II and Response**

In the Communication, the Examiner indicates that Applicants are required to elect a single species from the following:

- a) a polypeptide having anti-neoplastic activity by modulating chemokine expression (claim 41); or
- b) a polypeptide having anti-neoplastic activity by modulating cytokine expression (claim 42).

In response, Applicants hereby elect species a), a polypeptide having anti-neoplastic activity by modulating chemokine expression (claim 41), without traverse, for initial prosecution on the merits. Accordingly, claim 42 has been temporarily withdrawn, but is available for rejoinder upon the allowance of a generic claim.

### **IV. Status of the Claims**

Claims 1, 2, 4-8, 13, 34-37, and 53-57, corresponding to the non-elected Group I, Group III, Group IV, and Group V inventions, have been cancelled without prejudice and without disclaimer. Claim 42 has been withdrawn, but is available for rejoinder upon the

allowance of a generic claim. No claims of the elected Group II invention have been cancelled. Claims 3 and 39 of the elected Group II invention have been amended. No new claims have been added.

Claims 3, 9, 38-41, 43, and 63 are presently pending in the case, with claim 42 withdrawn, but available for rejoinder upon the allowance of a generic claim.

## **V. Support for the Amended Claims**

Support for the amendments to claim 3 and 39 may be found throughout the specification and claims as originally filed.

Claim 3 has been amended to incorporate the limitations of claim 1, which has been cancelled herein without prejudice and without disclaimer, and to remove reference to SEQ ID NO:1 and SEQ ID NO:3, in light of the election of the polypeptide of SEQ ID NO:4, which is encoded by the nucleic acid molecule of SEQ ID NO:3, herein. Specific support for the amendment to claim 3 may be found at least in part in claim 1 as originally filed.

Claim 39 has been amended to remove reference to SEQ ID NO:2, in light of the election of the polypeptide of SEQ ID NO:4 herein. Specific support for the amendment to claim 39 may be found at least in part in claim 39 as originally filed.

It will be understood that no new matter is included in the amendments to claims 3 or 39.


## **VI. Conclusion**

This is a complete response to the Restriction and Species Election Requirements. If the Examiner has any questions or comments regarding any issue associated with this application, a telephone call to the undersigned representative is welcome.

Respectfully submitted,



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